

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

493I0338

HOUSE BILL NO. 1171

Introduced by: Representative Adelstein and Senator Vitter

1 FOR AN ACT ENTITLED, An Act to provide for capital punishment for second offense
2 criminal pedophilia.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-22-30.1 be amended to read as follows:

5 22-22-30.1. Criminal pedophilia is any act of sexual penetration accomplished with a victim
6 less than thirteen years of age by any person twenty-six years of age or older under any
7 circumstances not constituting incest as defined in subdivision 22-22-1(6). Criminal pedophilia
8 is a Class 1 felony. If any person is convicted of criminal pedophilia, the court shall impose a
9 minimum sentence of twenty-five years for a first offense. ~~If any person is convicted for a second~~
10 ~~offense, the court shall impose a sentence of life without parole.~~ Any subsequent conviction for
11 criminal pedophilia, if the criminal act was committed after a prior conviction for criminal
12 pedophilia, is a Class A felony. The court shall impose the death penalty for any Class A felony
13 conviction pursuant to this section unless the court finds, from clear and convincing evidence of
14 mitigating circumstances, that imposition of the death penalty would be inappropriate or unjust.

